



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dane K. FISHER *et al.*

Appl. No.: 09/540,235

Filed: April 3, 2000

For: **Nucleic Acid Sequences from  
*Cyanidium caldarium* and Uses  
Thereof**

Art Unit: 1631

Examiner: A. Marschel

Atty. Docket: 38-21(15749)B

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**Response to Restriction Requirement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed June 5, 2001, Applicants submit the following remarks.

***Remarks***

The application presently contains claims 1-7. In the Office Action mailed June 5, 2001, it appears the Examiner has asked applicants to restrict the application to one invention under 35 U.S.C. § 121. However, it appears that the Examiner has not indicated classes or subclasses into which the invention may be divided. Therefore, Applicants respectfully request that the Examiner clarify his request in the next correspondence.

The Examiner has further requested Applicants select a single nucleic acid sequence for examination. Applicants submit the restriction to a single nucleotide sequence is improper, as